

Message Text

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ACTION AF-10

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FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 1251
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
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CAPE TOWN FOR EMBASSY

E.O. 11652: N/A
TAGS: PINT, PINS, SHUM, SF
SUBJECT: KRUGER CHARGES LAWYERS UNDERMINE LEGAL SYSTEM;
RESERVES RIGHT TO ACT

1. SUMMARY: THE SOUTH AFRICAN MINISTER OF JUSTICE HAS
PUBLICLY CRITICIZED UNNAMED LAWYERS WHO EMPLOY "DELAYING
TACTICS" IN SECURITY TRIALS. LEGAL FIGURES HAVE REBUTTED
THE CHARGE AND FEAR A NEW SAG MOVE TO IMPAIR THE LEGAL DEFENSE
OF POLITICAL DISSIDENTS. END SUMMARY

2. SOUTH AFRICAN MINISTER OF JUSTICE JIMMY KRUGER HAS SPARKED
A FRESH PUBLIC CONTROVERSY AND DEBATE FOLLOWING HIS ATTACK
ON UNNAMED LAWYERS WHO DEFEND ACCUSED IN SECURITY CASES.
SPEAKING BEFORE PARLIAMENT ON MAY 12, KRUGER NOTED THE
REGULAR APPEARANCE OF CERTAIN LAWYERS IN SECURITY TRIALS AND
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CHARGED THAT THEY EMPLOY "DELAYING TACTICS...I WANT TO
STATE CLEARLY THAT I AM NOT REFERRING TO ADVOCATES AND
LAWYERS GENERALLY, AND ALSO NOT TO ALL ADVOCATES AND
LAWYERS APPEARING IN SECURITY CASES. I AM REFERRING TO
THOSE INDIVIDUALS WHO ASSOCIATE THEMSELVES WITH THE CASE
AND AIMS OF UNDERMINERS TO SUCH AN EXTENT THAT IT BECOMES
QUESTIONABLE WHETHER THE TRUST VESTED IN THEM AS OFFICIALS

OF THE COURT IS JUSTIFIED." KRUGER ALSO CITED SEMMINGLY UNLIMITED FUNDS FROM ABROAD USED FOR DEFENSE ATTORNEYS, COURTROOM DEMONSTRATIONS BY THE PUBLIC, INTIMIDATION OF WITNESSES, AND IMPROMPTU SPEECHES IN COURT AS FURTHER ABUSES OF THE LEGAL SYSTEM IN SOUTH AFRICA. KRUGER ANNOUNCED THAT HE WOULD INVESTIGATE THESE ABUSES OVER THE PARLIAMENTARY RECESS BEFORE DECIDING WHAT MEASURES TO TAKE.

3. REACTION IN LEGAL CIRCLES TO KRUGER'S ACCUSATION WAS SWIFT AND POINTED. THE JOHANNESBURG BAR COUNCIL HELD A SPECIAL MEETING ON MAY 13 AND DECIDED TO SEND KRUGER A TELEGRAM REQUESTING THE NAMES AND PARTICULARS OF ANY LAWYER WHO IS UNDERMINING THE SYSTEM SO THAT THE BAR COUNCIL CAN HOLD ITS OWN INVESTIGATION. LEADING LEGAL FIGURES INCLUDING JOHN DUGARD, HEAD OF THE LAW DEPARTMENT AT THE UNIVERSITY OF THE WITWATERSRAND, KOWIE MARAIS, FORMER JUDGE AND NOW PFP MP, FP VAN DER MERWE, PRESIDENT OF THE ASSOCIATION OF LAW SOCIETIES, PJ ERASMUS, SECRETARY OF THE TRANSVAAL LAW SOCIETY, AND KEES VAN DIJKORST, CHAIRMAN OF THE PRETORIA BAR COUNCIL ALL EITHER DENIED KNOWLEDGE OF ANY LAWYER USING DELAYING TACTICS OR COUNTERCHARGED THAT KRUGER'S CLAIM IS SIMPLY UNTRUE. PROF. A.S. MATTHEWS, DEAN OF LAW AT THE UNIVERSITY OF NATAL WERE AMONG THOSE WHO FURTHER CHARGED THAT KRUGER'S STATEMENT IS LIKELY TO CREATE AN "ATMOSPHERE OF INTIMIDATION" AMONG THE FEW ATTORNEYS AN ADVOCATES WILLING TO DEFEND CLIENTS LIMITED OFFICIAL USE

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IN SECURITY CASES. LEAD EDITORIAL IN MAY 15 JOHANNESBURG STAR REFUTED EACH OF KRUGER'S CHARGES AND CITED THE MINISTER'S INCREASING PROPENSITY TO DETAIN PEOPLE WITHOUT TRIAL AS PROOF THAT KRUGER DOESN'T UNDERSTAND "CERTAIN BASIC PRINCIPLES OF JUSTICE."

4. PUBLIC DEBATE ON THE RELATIONSHIP OF LAWYERS AND POLITICAL CLIENTS WAS HEIGHTENED BY A MAY 14 SUNDAY EXPRESS REPORT WHICH CLAIMED THAT FIVE LAWYERS, GEORGE BIZOS, DAVID SOGGOT, SHUN CHETTY AND ISHMAIL AYOB, ALL OF JOHANNESBURG PLUS CHRISTOPHER NICHOLSON OF DURBAN HAVE BEEN BARRED BY THE COMMISSIONER OF POLICE FROM VISITING CONVICTED PERSONS IN JAIL. CHETTY TOLD EMBOFF ON MAY 18 THAT BAN STEMMED FROM ROBBER ISLAND VISIT TO CONVICTED SASO/BPC MEMBERS AND HAS BEEN IN EFFECT FOR OVER ONE YEAR. BIZOS TOLD EMBOFF SAME DAY THAT THE COMMISSIONER HAD IMPOSED THE BAN TO PREVENT HIM FROM SEEING NELSON MANDELA BUT THAT, FOLLOWING PRIVATE REPRESENTATIONS BY THE BAR COUNCIL, THE LIMITATION NO LONGER APPLIED. AYOB INFORMED EMBOFF THAT, HE WAS ALSO INVOLVED IN THE MANDELA CASE AND ASSUMED THE BAN IS INAPPLICABLE.

5. COMMENT: WHEN KRUGER MADE HIS ACCUSATORY STATEMENT ON MAY 12 IN CAPE TOWN, HIS MAIN OBJECTIVE WAS PROBABLY THAT OF LAYING THE FOUNDATION FOR NEW LEGISLATION AIMED AT CURTAILING OR SUBSTANTIALLY HINDERING LAWYERS DEFEENDING POLICIAL CLIENTS. SAG NO DOUBT IS STILL SMARTING FROM THE WORLDWIDE CRITICISM AND PUBLICITY ARISING FROM THE BIKO INQUEST, OTHER CASES OF DEATH IN DETENTION, PLUS SOME OF THE PROMINENT TRIALS WHICH HAVE TAKEN PLACE IN THE TRANSVAAL AND NATAL. THE JOHANNESBURG BAR COUNCIL'S SWIFT RESPONSE WAS A MOVE TO BLUNT KRUGER'S OFFENSIVE BY PUBLICLY OFFERING TO "CLEAN HOUSE" IF NECESSARY WITHOUT SAG INTERFERENCE. IT APPEARS THAT THE COUNCIL HAS SUCCESSFULLY THROWN THE BALL BACK IN KRUGER'S COURT AND WILL MAKE IT MORE DIFFICULT, IN TERMS OF PUBLIC CONSUMPTION, LIMITED OFFICIAL USE

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FOR THE SAG TO TAKE ACTION AGAINST THE FEW LAWYERS HANDLING POLITICAL CASES.
NELSON

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